



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 17 2009

THE ADMINISTRATOR

The Honorable F. James Sensenbrenner
Ranking Member
Select Committee on Energy Independence
and Global Warming
U.S. House of Representatives
Washington,, D.C. 20515

Dear Congressman Sensenbrenner:

Thank you for your letter of June 10, 2009, co-signed by 9 of your colleagues, requesting a 60-day extension of the comment period for *EPA's Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(1) of the Clean Air Act*, beyond the current deadline of June 23, 2009. You base your request on your concerns that an affirmative finding would place small businesses in a legally uncertain position. You also express concerns that these same businesses are currently reviewing and responding to several actions simultaneously within a limited period of time.

I would like to reiterate what I stated on April 17, the day I signed and formally proposed these findings. With that proposal, I responded to the Supreme Court decision, in which the Court found that greenhouse gases are air pollutants under the Clean Air Act and held that the Administrator must determine whether or not emissions of greenhouse gases from new motor vehicles or engines cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision.

EPA's proposed endangerment finding is based on rigorous, peer-reviewed scientific analysis of six gases that have been the subject of intensive analysis by scientists in the United States and around the world. However, the proposed finding does not include any proposed regulations.

I assure you that EPA will conduct an appropriate process and consider stakeholder input as it evaluates regulatory programs to reduce greenhouse gases. Furthermore, although this regulatory process is required to be responsive to the Supreme Court, I have repeatedly indicated my preference for comprehensive legislation to address this issue and create the framework for a clean energy economy.

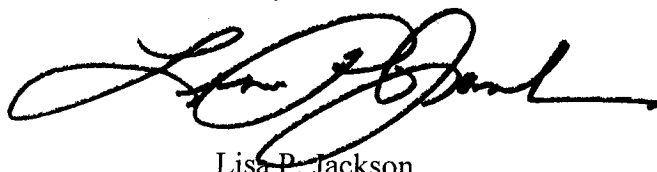
I recognize that the proposed findings and the associated Technical Support Document, like any proposed formal action, take adequate time to review. However, a very large part of the underlying information and analysis for the proposed findings were previously released on July 11, 2008, as part of the *Advance Notice of Proposed Rulemaking: Regulating Greenhouse Gas Emissions under the Clean Air Act* (73 FR 44353). The comment period for that Advance Notice was 120 days, and several months have followed since the close of that comment period. As a result, a large majority of the underlying information and analysis supporting the proposed findings has been in the public domain for almost one year. Furthermore, the major recent scientific assessments upon which the Agency relied, including the U.S. Climate Change Science Program and the Intergovernmental Panel on Climate Change, all had their own public review processes, and have been publicly available for some time now.

I also recognize the importance of this proposed action for Members of Congress and the public. However, given the considerations described above, EPA is not extending the formal comment period beyond June 23, 2009. Under the circumstances present here, the 60-day comment period provides adequate opportunity to review and comment on the proposed findings.

EPA remains committed to maintaining an open and transparent rulemaking process on all of our efforts. We have maintained an open door policy on the proposed findings, and have indicated our willingness to discuss the proposed action with multiple audiences. Furthermore, we will continue to consider comments received after the close of the comment period, to the extent practicable.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may call Cheryl Mackay, in EPA's Office of Congressional and Intergovernmental Relations, at 202-564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson", with a stylized, flowing script.

Lisa P. Jackson